

REMARKS

Claims 1-17 are pending.

Claims 1, 2, 5-7 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ensminger et al. (US 5,256,146). Applicant respectfully traverses this rejection. A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. MPEP 2131. The examiner has not explained where each of the claim elements of the present claims are disclosed in the cited reference. Applicant requests the examiner to specifically cite, preferably by column and line number and/or drawing reference number, where such limitations are disclosed. Ensminger discloses an "anchoring wire 14" which comes out of a "catheter lumen 20," but this wire does not impart its shape on the lumen as required by the present claims. An important aspect of the present invention is the difference of the flexibility of the wall of the probe and the flexibility of the guide stylet so the shape of the guide stylet is substantially-imparted on the tip area of the probe tube. With this feature, the probe can be more easily introduced into the body. Ensminger does not disclose such a feature.

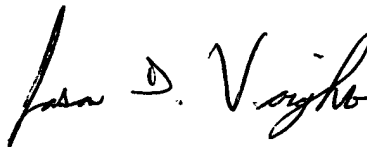
Claims 1, 3 and 8-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Bowe (US 2001/0039413). Applicant respectfully traverses this rejection. Initially, applicants note that US 2001/0039413 is a C-I-P application which does not have a filing date prior to that of the present application. Therefore, any new matter relative to its parent application 09/516,280 is not prior art with respect to the instant application.

In any event, the "outer sleeve 100" of the Bowe probe is straight when it is brought into the body and always remains straight. In other words, the outer sleeve is not more flexible in the tip area and the shape of a guide stylet is not imparted on the outer sleeve as required by the instant claims. Only the "sheath 118" (referenced as a stylet by the examiner) is curved. However, said sheath does not impart its shape on any probe tube, but rather comes out of the outer sleeve. Still further, Bowe's sheath 118 does not have an outlet opening. Applicant requests the examiner to make specific reference to such an outlet opening, if present, in Bowe.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Jason D. Voight". The signature is fluid and cursive, with the first name "Jason" being more prominent.

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